

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SELIM ZHERKA,

Plaintiff,

- against -

PHILIP AMICONE, individually, and PHILIP  
AMICONE, in his capacity as Mayor of the City of  
Yonkers, New York,

Defendants.

No. 07 Civ. 9618 (CLB)

**OBJECTIONS TO SUBPOENA**

Gannett Satellite Information Network, Inc. ("Gannett") hereby objects, by its attorneys, Satterlee Stephens Burke & Burke LLP, pursuant to Fed. R. Civ. P. 45(c)(2)(B), to the three subpoenas issued by plaintiff dated February 4, 2008 (the "Subpoenas") upon the following grounds:

1. These objections apply not only to the subpoena directed to Gannett but also to the subpoenas purporting to be directed to "The Journal News" and "The Journal News Westchester." The former is a business division of Gannett and not a separate entity subject to service of process; the latter is nonexistent.

2. The Subpoenas were not properly served, in that they were not delivered to any officer, managing or general agent, or any other agent of Gannett authorized to receive process.

3. The subpoenas did not allow a reasonable time for compliance, in that they were purportedly served February 5 and called for compliance February 12 (which date was adjourned by plaintiff's attorney to February 15.)

4. The subpoenas call for information privileged from disclosure by, inter

alia, the First Amendment to the United States Constitution and Article I, § 8 of the New York State Constitution, namely, the identity of anonymous speakers on The Journal News website.

5. The subpoenas seek information not discoverable under Fed. R. Civ. P. 26, in that it is not relevant to any claim or defense in this action.

6. The subpoenas subject Gannett to an undue burden.

Dated: New York, New York  
February 13, 2008

SATTERLEE STEPHENS BURKE & BURKE LLP

By: 

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